

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401



**Project Name:** KLINELINE VIEW INFILL SHORT PLAT

**Case Number:** PLD2009-00013; SEP2009-00021;  
GEO2009-00008; HAB2009-00011

**Location:** Terminus of NE 13<sup>th</sup> Avenue

**Request:** The applicant proposes to short plat an approximately 1.75 acre property into 5 single-family residential lots in the R1-6 zoning district using the Tier 1 Residential Infill Standards, CCC 40.260.110 (G).

**Applicant:** Sterling Design, Inc.  
Attn.: Joel Stirling, PE  
2208 E. Evergreen Blvd., Suite A  
Vancouver, WA 98661  
(360)759-1794, E-mail: [Mail@sterling-design.biz](mailto:Mail@sterling-design.biz)  
E-mail: [Joel@sterling-design.biz](mailto:Joel@sterling-design.biz)

**Contact Person:** (Same as Applicant)

**Property Owner:** Sandra Scott  
P. O. Box 65533  
Vancouver, WA 98665

## DECISION

**Approve subject to Conditions**

**Team Leader's Initials:** ATG **Date Issued:** October 16, 2009

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Team Leader:</b>	Travis Goddard	4180	<a href="mailto:Travis.goddard@clark.wa.gov">Travis.goddard@clark.wa.gov</a>
<b>Planner:</b>	Michael Uduk	4385	<a href="mailto:Michael.uduk@clark.wa.gov">Michael.uduk@clark.wa.gov</a>
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Sue Stepan, P.E.	4102	<a href="mailto:Sue.stepan@clark.wa.gov">Sue.stepan@clark.wa.gov</a>
<b>Engineer</b> (Trans. & Stormwater):	Doug Boheman, P. E., P. L. S.	4219	<a href="mailto:Doug.boheman@clark.wa.gov">Doug.boheman@clark.wa.gov</a>
<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte, P. E.	4017	<a href="mailto:Steve.schulte@clark.wa.gov">Steve.schulte@clark.wa.gov</a>
<b>Engineer</b> (Trans. Concurrency):	David Jardin	4354	<a href="mailto:David.Jardin@clark.wa.gov">David.Jardin@clark.wa.gov</a>
<b>Fire Marshal Office</b>	Tom Scott	3323	<a href="mailto:Tom.scott@clark.wa.gov">Tom.scott@clark.wa.gov</a>

**Comp Plan Designation:** Urban Low Density Residential (UL)

**Parcel Number(s):** Tax Lot 260 (157041) located in the SW ¼ of Section 26, Township 3 North, Range 1 East of the Willamette Meridian.

**Applicable Laws:**

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.540.030 (Short Plat), 40.370.010 (D) (Public Sewer Connection), 40.370.020 (D) (Water Connection), 40.610 (Impact Fees), 40.220.010 (Single-Family Districts, R1-5), 40.260.110 (Residential Infill Standards), 40.500 (Procedure), RCW 58.17 (State Platting Laws)

**Neighborhood Association/Contact:**

Rambling Creek Estates/Salmon Creek Neighborhood Association  
Rick Dronen, President  
12607 NE 37th Court  
Vancouver, WA 98686  
(360) 574-1640; E-mail: [Casadronen@msn.com](mailto:Casadronen@msn.com)

**Time Limits:**

The application was determined to be fully complete on March 25, 2009. The application was placed on hold to provide the applicant an opportunity to resolve wetland issues, thereby extending the deadline by 124 days. Therefore, the County Code requirement for issuing a decision within 78 days would have lapsed on October 16, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on November 27, 2009.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on June 26, 2008. The pre-application was determined to be contingently vested as of June 5, 2008 (i. e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on March 4, 2009, and determined to be fully complete on March 25, 2009. Therefore, the application is vested on June 5, 2008. There are no disputes regarding vesting in this matter.

**Public Notice:**

Notice of application and likely SEPA determination of non-significance (DNS) was mailed to the applicant, Rambling Creek Estates/Salmon Creek Neighborhood Association, and property owners within 300 feet of the site on April 8, 2009. This short plat did not trigger SEPA Checklist review and determination.

**Public Comments:**

The county received comments from Mr. Bill Dungan (Exhibit 7) indicating the presence of high water table on the hillside as evidenced by the presence of wetland indicator vegetation. Mr. Dungan also provided a photo of the site, and alleged that the applicant has filled wetland on the property twice; once in 2000 and a second time in 2008.

**Response**

The county's lead wetland biologist has visited the site and mapped the presence of wetland on the property. The findings, conclusions and conditions of approval relating to wetland mitigation are documented in the Wetland sections of the report.

## Project Overview

The applicant is requesting a preliminary plat approval to short plat approximately 1.75 acres into 5 single-family lots in the R1-6 zoning district using the Tier I Residential In-Fill development standards, CCC 40.260.110 (G).

The R1-6 zoning district permits a single-family dwelling on a minimum average lot area of 6,000 square-feet; or, a maximum average lot area of 8,500 square feet. However, the residential in-fill ordinance provides incentives to encourage the development of by-passed parcels. Some of the incentives include variations to the road standards, smaller lot area, and a relaxation of the average minimum lot width and average minimum lot depth standards. In the R1-6 zoning district, for example, the minimum lot area could be reduced to 4,500 square feet for single-family detached development (per Table 40.260.110-1).<sup>1</sup> The standard does not require a neighborhood meeting to discuss the project; but it requires that Tier 1 infill lots comply with the minimum average lot area of the underlying zone, which in this case is 6,000 square feet.

The following table shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single Family Residential (R-6)	The site is a vacant property that slopes to the south. It contains some habitat and wetland that would be placed in a protective covenant to be left undeveloped forever.
North	UL	R1-6	Knollridge housing development.
East	UL	R1-6	Knollridge housing development.
South	Parks/Open Space (P/OS)	Parks/Wildlife (P/WL)	Vacant property part of Clark County regional trail.
West	UL	R1-6	Knollridge housing development.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro silt loam (HoB, HoG) and Gee silt loam (GeB) on slopes ranging from zero to 65 percent. Maps from Clark County's GIS Mapping System indicate that the site contains critical areas – areas of potential slope instability, severe erosion hazard areas, riparian habitat conservation area and Washington Department of Fish and Wildlife (WDFW) priority species buffer.

<sup>1</sup> Additional discussion follows under Land Use on page 5.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 6, Vancouver School District, Mount Vista Traffic Impact Fees District, and Parks Improvement District 10. Clark Public Utilities provide potable water and Clark Regional Wastewater District provides sewer service in the area.

## **Staff Analysis**

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### **Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

### **LAND USE:**

Residential Infill

#### **Finding 1**

The development site is approximately 1.75 acres. The applicant is proposing to short plat the property into 5 single-family residential lots using the Tier I Residential Infill standards.

CCC 40.260.110 permits infill development of by-passed urban parcels in the R1-6 zoning district. The ordinance provides incentives (e.g. smaller lots, flexibility regarding compliance with the average minimum lot width and average minimum lot depth standards, variation from the County's Transportation Standard, and variation from the

Stormwater and Erosion Control Ordinance, where applicable), public notice<sup>2</sup> and design guideline, while striving to maintain neighborhood compatibility. The code also provides a 2-tier system for reviewing residential infill applications. Tier 1 infill standards provide few incentives to the developer. This development qualifies for a Tier I Infill development because the average lot area proposed is 7,690 square feet, and falls within the acceptable average minimum / maximum lot area of 6,000 to 8,500 square feet in the R1-6 district (see Exhibit 1).

#### Eligibility Criteria

##### Finding 2

CCC 40.260.110 (B) provides the eligibility criteria for infill development. Staff finds that this proposal meets all the applicable criteria for Tier I Residential Infill development (see CCC 40.260.110 (G). The parcel was created prior to December 31, 1994; the site is approximately 1.75 acres in area; the proposed development can, and, will be connected to public water and sewer services. The abutting parcels on 50 percent of the non-street sides have urban developments.

##### Finding 3

Table 2 below shows the minimum parcel area permitted for single-family detached housing development in the R1-6 district using residential infill standards, and Table 3 summarizes the set back standards for residential infill development (see CCC 40.260.110 (G) (4) and Table 40.260.110-1).

Table 2: Minimum Parcel Area for Detached Single-Family Dwellings

Zoning District	Minimum Parcel Area – Detached Single-Family (in feet)
R1-6	4,500 square feet

Table 3: Set back standards for residential infill

Classifi cation	Setback					
	Front Yard (For Garage Door or Carport)	Front Yard (Other Structures)	Side Yard (For Garage Door or Carport)	Side Yard (For other Structures)	Rear Yard (For Garage Door or Carport)	Rear Yards (For other Structures)
R1-6	18 feet	10 feet	18 feet	5/10 feet	18/5 feet <sup>3</sup>	5 feet

The lots in this short plat shall comply with the applicable residential infill development standards (per CCC 40.260.110 (G). (See Conditions D-1a)

<sup>2</sup> A public meeting applies to only Tier 2 Residential Infill development.

<sup>3</sup> On an alley, there may be a minimum 5 foot setback from the rear property line abutting the alley.

**Conclusion (Land Use):**

Staff finds that the proposed preliminary plat can comply with the applicable sections of Clark County Code, subject to the conditions of approval identified in this report.

**ARCHAEOLOGY:**

(See Plat Note D-3b)

**HABITAT:****Finding 1**

Klineline Pond exists south of the property. The pond is a Department of Natural Resources (DNR) type F (fish-bearing) water-body. According to Title 40.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200 feet horizontally outward from the ordinary high water mark. The 200-foot riparian HCZ barely touches the site within the proposed conservation tract.

**Finding 2**

A Washington Department of Fish and Wildlife (WDF&W) mapped Priority Species area and/or Priority Species buffer for waterfowl concentrations exists southwest of the property. The Habitat Ordinance requires a 300' review area surrounding Priority Species polygons in order to evaluate indirect impacts from adjacent land uses. The 300-foot review area barely touches the site within the proposed conservation tract.

**Conclusion (Habitat):**

Staff finds that the proposed preliminary plan, subject to Condition D-1h, meets the habitat requirements of the Clark County Code.

**WETLAND:****Finding 1**

The site contains Category III wetlands that require an 80 ft. buffer for high intensity uses. The applicant has not completed a wetland delineation study, but has accepted the County's wetland determination issued on June 9, 2009 (WET2009-00040, Exhibit 10).

**Finding 2**

The applicant proposes to include wetland buffers on lots 2, 3, 4, and 5. CCC 40.450.030.E.3 states that wetland buffers may be included in the lot area in urban plats when the creation of a tract would result in lots that cannot meet the minimum lot depth standard or would result in lots that are impractical to build. The proposed lot layout meets the exception criteria and can be approved provided that the Final Plat shows building envelopes outside the wetland buffer and there is a plat note prohibiting clearing, construction activities, placement of fences or structures, or landscaping within the wetland buffers without an approved wetland permit.

#### Finding 3

The proposed buffer averaging complies with CCC 40.450.040.C.3.

#### Finding 4

Any proposed clearing or grading in the wetland buffers must be shown on the construction plans. Existing woody vegetation must be protected during construction and any disturbed buffer areas must be restored with native vegetation.

#### Finding 5

The stormwater tract is also located in the wetland buffer. The final design of any stormwater facilities constructed in this tract must comply with CCC 40.450.040.C.4. A Final wetland permit will not be required provided that a County Wetland Biologist signs the construction or grading plans prior to any grading in the wetland buffer.

#### **Conclusion (Wetland):**

Based upon the development site characteristics and the proposed development plan, Staff concludes that the proposed preliminary plat and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that Conditions A-1, D-3, and D-5 are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

#### **GEO-HAZARD:**

Applicability:

##### Finding 1

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The proposed development may be within 100 feet of slope instability and adjacent to a severe erosion hazard area. The provisions of CCC 40.430 therefore may apply to this development.

#### Geologic Hazard Issues

##### Finding #2

The applicant submitted a preliminary geotechnical report that is dated November 30, 2008. The proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. (See Condition A-7a)

A building permit is required for retaining walls greater than 4 feet tall or when groundwater is surcharged adjacent to the wall. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. (See Condition A-7b)

During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and certify that there are no safety concerns. (See Condition C-2a)



**Conclusion (Geologic Hazard Area)**

Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County's geologic hazard area ordinance, and findings above, staff concludes that the proposed preliminary geotechnical engineering plan, subject to Conditions A-7a, A-7b and C-2a, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**TRANSPORTATION:**

Pedestrian/Bicycle Circulation Plan

**Finding 1**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code.

Road Circulation:

**Finding 2**

The applicant submitted a cross circulation plan. The project complies with the circulation plan requirements, Section CCC 40.350.030(B)(2).

Driveway Access

**Finding 3**

The applicant proposes three driveways including a joint-use one that utilizes an existing driveway easement. The driveway easement provides access to parcel #186849-000 to the east. The applicant indicates the easement does not restrict additional vehicle trips from having the right to access it. The applicant submitted legal language associated with the easement. (See Exhibit #8)

Sight Distance

**Finding 4**

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements.

The applicant submitted a sight distance certification letter dated March 2<sup>nd</sup>, 2009 for the driveways. The applicant shall also analyze sight distance at the intersection of NE 13<sup>th</sup> Ave. and NE 126<sup>th</sup> St. The applicant is proposing to send all vehicle trips through the intersection. (See Condition A-2a)

**Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to Condition A-2a and the Standard Conditions, meets the transportation requirements of the Clark County Code.

### **Vancouver-Clark Parks and Recreation Department**

Parks staff has reviewed the proposed Kline View development, which adjoins the Regional Salmon Creek Greenway. Recognizing that most of the project site is located within some level of steep slopes, Vancouver-Clark Parks and Recreation Department is concerned about the potential for slope destabilization from the proposed housing development. Such destabilization could have significant repair or maintenance cost implications as well as environmental consequences. Consequently, the proposed open space area should be retained by the homeowner's association rather than dedicated.

In addition, the view from Salmon Creek Park as well as the greenway trail will be impacted by the density of the proposed housing development. Parks would request that vegetative screening be used in addition to other slope stabilization techniques to minimize the visual as well as potential slope impacts from this development. (See Conditions D-1h)

### **TRANSPORTATION CONCURRENCY:**

None

### **STORMWATER:**

Applicability

#### **Finding 1**

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations which are what the applicant is proposing. The applicant has correctly stated that the amount of proposed impervious area that will be created is less than 5000 square feet and therefore CCC 40.380.040(B) and CCC 40.380.040(C) do not apply.

The Applicant's Stormwater Proposal:

#### **Finding 2**

The applicant has submitted a preliminary stormwater report that indicates stormwater planters will be utilized to infiltrate runoff from the roof surfaces. The geotechnical engineer recommended a design infiltration rate of 2.5 inches per hour as a result of on-site infiltration tests, however, the actual tested infiltration rates were not identified in the geotechnical report.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The proposed low impact development facilities shall be designed according to the design criteria identified in the Low Impact Development Technical Guidance Manual for Puget Sound. (See Condition A-5a)

The applicant shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9). (See Condition A-5b)

During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed. (See Condition C-1a)

**Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to Conditions A-5a, A-5b and C-1a, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**FIRE PROTECTION:**

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1b)

Fire Flow

Finding 3

Fire flow in the amount of 1000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow available at the site is estimated at 1,252 gpm. (See Condition D-4a)

Fire Hydrants

Finding 4

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate. Therefore, no additional condition of approval is necessary.

## Fire Apparatus Access

### Finding 5

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-4b)

### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

## **WATER & SEWER SERVICE:**

### Finding 1

Clark Public Utilities provides potable water and Clark Regional Wastewater District provides sewer services in the area, respectively. Utility reviews from the service providers indicate that adequate services exist in the area to serve this development. The applicant will need to make the necessary improvements to connect this development to potable water and sewer services provided by Clark Public Utilities and Clark Regional Wastewater District, respectively. (See Condition B-2)

### Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (See Condition A-8a)

### Finding 3

All wastes (e. g. grading spoils) must be properly disposed consistent with county demolition permit requirements (if applicable). The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See Condition A-8b)

### Finding 4

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State

Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Condition A-8c)

**Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

**Finding 1**

The site is located in Park Impact Fee (PIF) District 10, Vancouver School District Impact Fee (SIF) and Mount Vista Traffic Impact Fee (TIF) district.

*The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.610, park, school and traffic impact fees shall be assessed on 4 of the five new lots as follows:

1. \$1,534.00 PIF (made up of \$1,094.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 10;
2. \$1,112.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. 5,344.37 TIF (made up of \$1,879.53 local and \$3,473.84 regional fees) per new single-family dwelling in Mount Vista Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Conditions D-1g, E-1)

<b>SEPA DETERMINATION</b>
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As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 8, 2009, is hereby final.

### **SEPA APPEAL PROCESS:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Michael Uduk, (360) 397-2375, ext. 4385  
Travis Goddard, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts, Development Services Manager

## **DECISION**

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **Approves** this request; subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

#### **A-1 Wetland Plan:**

- a. Construction or grading plans for the site shall show all proposed clearing and grading within the wetland buffers.
- b. Existing woody vegetation shall be protected.
- c. The plans shall provide specifications for restoring disturbed buffer areas with native vegetation.
- d. Stormwater facilities located within the wetland buffer shall comply with the design standards in CCC 40.450.040.C.3.

#### **A-2 Final Transportation Plan/On-Site:**

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall comply with CCC 40.350.030(B)(8) including at the intersection of NE 126<sup>th</sup> Street and NE 13<sup>th</sup> Avenue. (See Transportation Finding 4)

#### **A-3 Final Transportation Plan/Off Site (Concurrency):**

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

None

#### **A-4 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-5 Final Stormwater Plan:**

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The proposed low impact development facilities shall be designed according to the design criteria identified in the Low Impact Development Technical Guidance Manual for Puget Sound. (See Stormwater Finding 2)
- b. The applicant shall provide evidence of performed monitoring and associated published paper and report in lieu of monitoring required by CCC 40.380.040(B)(9). (See Stormwater Finding 2)

**A-6 Erosion Control Plan:**

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-7 Geologic Hazard Areas:**

The applicant shall submit and obtain County approval of a final geotechnical engineering plan designed in accordance with CCC 40.430 and the following conditions of approval:

- a. The proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts.
- b. A building permit is required for retaining walls greater than 4 feet tall or when groundwater is surcharged adjacent to the wall. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities.

**A-8 Health Department Review:**

- a. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See Water & Sewer Finding 2)
- b. All wastes (e. g. grading spoils) must be properly disposed consistent with county demolition permit requirements (if applicable). The applicant shall



provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See Water & Sewer Finding 3)

- c. If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Water & Sewer Finding 4)

**A-9 Excavation and Grading:**

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference:**

- a. Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

- b. Fire Protection – Fire Protection:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

**B-2 Water & Sewer Connection:**

The applicant will need to make the necessary improvements to connect this development to potable water and sewer services provided by the Clark Public Utilities and Clark Regional Wastewater District, respectively. (See Water & Sewer Service Finding 1)

**B-3 Erosion Control:**

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-4 Erosion Control:**

Erosion control facilities shall not be removed without County approval.

**B-5 Wetland Buffers:**

- a. Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

**C-1 Stormwater:**

- a. During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed. (See Stormwater Finding 2)

**C-2 Geologic Hazard Areas:**

- a. During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and certify that there are no safety concerns. (See Geologic Hazard Area Findings 2)

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1 Developer Covenant:**

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

**a. Development on Infill Parcels:**

All development on infill parcels created pursuant to Section 40.260.110 shall be subject to the standards for Infill Development. The following applicable Infill Development Standards shall be included in the Developer Covenants to Clark County:

- i. The minimum parcel area is 4,500 square feet (per Table 40.260.110-1).
- ii. Front yard setback for garage door or carport is 18 feet.
- iii. Front yard setback for all other structures is 10 feet.
- iv. Side yard setback for garage door or carport is 18 feet.
- v. Side yard setback for garage door or carport is 18 feet.
- vi. For all other uses, the zone specific side yard setback of 5 feet is required.
- vii. Side street setback is 10 feet.
- viii. Rear yard setback for garage door or carport is 18 feet; except on an alley there may be a 5 foot setback from the property line.

- ix. All other uses shall comply with the standard rear yard setbacks in the applicable underlying zoning district. [See Table 40.260.110-1, CCC 40.260.110 (G) (4), and Land Use Finding 3]
- b. Private Road Maintenance Covenant:  
A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- c. Private Roads:  
"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- d. Critical Aquifer Recharge Areas:  
"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- e. Erosion Control:  
"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- f. Responsibility for Stormwater Facility Maintenance:  
For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are

not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- g. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each of the 5 lots in this short plat are: \$1,112.00 (Vancouver School District), \$1,534.00 (\$1,094.00 - Acquisition; \$440.00 - Development for Park District 10), and \$5,344.37 (\$1,879.53 – Local; \$3,473.84 - Regional for Mount Vista TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (See Impact Fees Finding 1)
- h. Habitat: The applicant shall enter Tract B into a habitat conservation covenant. (See Habitat Findings)

**D-2 Addressing:**

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-3 Plat Notes:**

The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted; except that when a mobile home is proposed on any lot, it shall be subject to the standards and requirements of CCC 40.260.130."
- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: The Developer of Klineline View Infill Short Plat or a successor in interest."
- g. Wetland Buffer Protection: "No clearing, construction activities, placement of fences or structures, or landscaping is allowed within the wetland buffers without a statement of exemption or an approved wetland permit from Clark County."
- h. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat"

**D-4 Fire Protection - Fire Marshal's Requirements:**

- a. Fire Flow:  
Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow currently available at the site is estimated at 1,252 gallons per minute at 20 psi. Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to final plat approval. (See Fire Protection Finding 3)
- b. Fire Apparatus Access:  
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Finding Fire Protection Finding 5)

**D-5 Wetland:**

- a. The wetland and buffer boundaries shall be delineated on the face of the Final Plat.
- b. Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.

**E Building Permits****Review & Approval Authority: Customer Service**

Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Impact Fees:**

The applicant shall pay impact fees the 5 lots in this short plat as follows:

- a. \$1,534.00 PIF (made up of \$1,094.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 10;
- b. \$1,112.00 SIF per new single-family dwelling in the Vancouver School District; and,
- c. \$5,344.37 TIF (made up of \$1,879.53 local and \$3,473.84 regional fees) per new single-family dwelling in Mount Vista Traffic Impact fee district.

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. (See Impact Fees Finding 1)

**F Occupancy Permits****Review & Approval Authority: Building**

Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1 None****G Development Review Timelines & Advisory Information****Review & Approval Authority: None - Advisory to Applicant****G-1 Land Division:**

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater:**

A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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H-1 None

**Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on October 16, 2009. Therefore any appeal must be received in this office by 4:30 PM, October 30, 2009.

<p align="center"><b>Appeal Deadline</b></p> <p align="center"><b>4:30 PM, October 30, 2009</b></p>
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Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240.00** (made up of \$4,826.00 planning and \$414.00 engineering fees).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

### **Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>



## Final Decision Attachment

**For Employee Use Only** -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		X
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

### Building Setbacks Established at Preliminary Plan Review

**Project Name:** KLINEVIEW TIER 1 INFILL SHORT PLAT

**Case Number:** PLD2009-00013

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

#### Setback Requirements for all Lots

Table 2: Minimum Parcel Area for Detached Single-Family Dwellings

Zoning District	Minimum Parcel Area – Detached Single-Family (in feet)
R1-6	4,500 square feet

Table 3: Set back standards for residential infill

Classification	Setback					
	Front Yard (For Garage Door or Carport)	Front Yard (Other Structures)	Side Yard (For Garage Door or Carport)	Side Yard (For other Structures)	Rear Yard (For Garage Door or Carport)	Rear Yards (For other Structures)
R1-5	18 feet	10 feet	18 feet	5/10 feet	18/5 feet <sup>4</sup>	5 feet

<sup>4</sup> On an alley, there may be a minimum 5 foot setback from the rear property line abutting the alley.

